

EXHIBIT 5

**For Federal civil complaint
-- MOTION UNDER RULE 45 ASKING THE
CLERK TO SUBPOENA ATTORNEY JOHN
SCOTT COALTER FOR DISCOVERY AND TO
PROVE THE FACTUAL MATTER UNDER
COMPLAINT --**

**Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)**

Civil Case Number 4:17-cv-00027



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Brian D. Hill
Apartment 2
310 Forest Street
Martinsville, VA 24112

Re: Appeal No. DOJ-AP-2017-002520
Request No. FOIA-2016-03570
CDT:PJA

VIA: U.S. Mail

Dear Mr. Hill:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your Freedom of Information Act request for access to records located in the United States Attorney's Office for the Middle District of North Carolina concerning yourself. I have interpreted your appeal to be limited to the adequacy of EOUSA's search for records responsive to your request.

After carefully considering your appeal, I am affirming EOUSA's action on your request. By letter dated February 16, 2017, EOUSA released to you sixty-eight pages of responsive records in full and twenty-six pages in part. I have determined that EOUSA's response was correct and that it conducted an adequate, reasonable search for responsive records subject to the FOIA.

Additionally, please be advised that the federal FOIA applies only to records maintained by federal agencies that are subject to the FOIA. Records that are maintained by state or local authorities are subject only to any records access laws that might be applicable to those states and localities. Accordingly, if you have not already done so, I suggest that you make a request for the State Bureau of Investigation forensic report to the proper state or local authority in accordance with the appropriate state or local records access law.

Finally, I note that you are also seeking an amendment of your Presentence Investigation Report. In accordance with Departmental regulations, any request for amendment of records should first be addressed to the component that originated the documents in question. Accordingly, you should make an amendment request directly to EOUSA and/or the Federal Bureau of Prisons (BOP). Your letter should indicate the particular records involved, the nature of the amendment sought, and the justification for the amendment. You should also clearly mark your letter "Privacy Amendment Request." When EOUSA and/or BOP completes its action on this particular request and if your request to amend these records is denied, you may appeal that determination to the Office of Privacy and Civil Liberties as directed in EOUSA's and/or BOP's response to you.

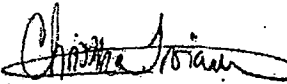
Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of EOUSA in response to your request. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

4/22/2017

X 

Christina D. Troiani, Associate Chief, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: CHRISTINA TROIANI

U.S. Department of Justice
CIP:WV-11057

Washington, D.C. 20530

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Received on April 27
2017 by
Brian D. Hill
Signed

Mr. Brian D. Hill
Apartment 2
310 Forest Street
Martinsville, VA 24112

Re: Appx
Requ